

106TH CONGRESS  
2D SESSION

# H. RES. 607

Providing for the concurrence by the House with an amendment in the  
Senate amendment to H.R. 707.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 3, 2000

Mr. SHUSTER submitted the following resolution; which was considered and  
agreed to

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## RESOLUTION

Providing for the concurrence by the House with an  
amendment in the Senate amendment to H.R. 707.

1       *Resolved*, That upon the adoption of this resolution  
2 the House shall be considered to have taken from the  
3 Speaker's table the bill H.R. 707, with the amendment  
4 of the Senate thereto, and to have concurred in the  
5 amendment of the Senate to the text with the following  
6 amendment:

7               In lieu of the matter proposed to be inserted by  
8 the amendment of the Senate, insert the following:

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Disaster Mitigation Act of 2000”.

4 (b) TABLE OF CONTENTS.—The table of contents of  
5 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—PREDISASTER HAZARD MITIGATION**

Sec. 101. Findings and purpose.

Sec. 102. Predisaster hazard mitigation.

Sec. 103. Interagency task force.

Sec. 104. Mitigation planning; minimum standards for public and private structures.

**TITLE II—STREAMLINING AND COST REDUCTION**

Sec. 201. Technical amendments.

Sec. 202. Management costs.

Sec. 203. Public notice, comment, and consultation requirements.

Sec. 204. State administration of hazard mitigation grant program.

Sec. 205. Assistance to repair, restore, reconstruct, or replace damaged facilities.

Sec. 206. Federal assistance to individuals and households.

Sec. 207. Community disaster loans.

Sec. 208. Report on State management of small disasters initiative.

Sec. 209. Study regarding cost reduction.

**TITLE III—MISCELLANEOUS**

Sec. 301. Technical correction of short title.

Sec. 302. Definitions.

Sec. 303. Fire management assistance.

Sec. 304. President’s Council on Domestic Terrorism Preparedness.

Sec. 305. Disaster grant closeout procedures.

Sec. 306. Public safety officer benefits for certain Federal and State employees.

Sec. 307. Buy American.

Sec. 308. Treatment of certain real property.

Sec. 309. Study of participation by Indian tribes in emergency management.

6 **TITLE I—PREDISASTER HAZARD**  
7 **MITIGATION**

8 **SEC. 101. FINDINGS AND PURPOSE.**

9 (a) FINDINGS.—Congress finds that—

1           (1) natural disasters, including earthquakes,  
2           tsunamis, tornadoes, hurricanes, flooding, and  
3           wildfires, pose great danger to human life and to  
4           property throughout the United States;

5           (2) greater emphasis needs to be placed on—

6                 (A) identifying and assessing the risks to  
7                 States and local governments (including Indian  
8                 tribes) from natural disasters;

9                 (B) implementing adequate measures to  
10                reduce losses from natural disasters; and

11                (C) ensuring that the critical services and  
12                facilities of communities will continue to func-  
13                tion after a natural disaster;

14           (3) expenditures for postdisaster assistance are  
15           increasing without commensurate reductions in the  
16           likelihood of future losses from natural disasters;

17           (4) in the expenditure of Federal funds under  
18           the Robert T. Stafford Disaster Relief and Emer-  
19           gency Assistance Act (42 U.S.C. 5121 et seq.), high  
20           priority should be given to mitigation of hazards at  
21           the local level; and

22           (5) with a unified effort of economic incentives,  
23           awareness and education, technical assistance, and  
24           demonstrated Federal support, States and local gov-  
25           ernments (including Indian tribes) will be able to—

1 (A) form effective community-based part-  
2 nerships for hazard mitigation purposes;

3 (B) implement effective hazard mitigation  
4 measures that reduce the potential damage  
5 from natural disasters;

6 (C) ensure continued functionality of crit-  
7 ical services;

8 (D) leverage additional non-Federal re-  
9 sources in meeting natural disaster resistance  
10 goals; and

11 (E) make commitments to long-term haz-  
12 ard mitigation efforts to be applied to new and  
13 existing structures.

14 (b) PURPOSE.—The purpose of this title is to estab-  
15 lish a national disaster hazard mitigation program—

16 (1) to reduce the loss of life and property,  
17 human suffering, economic disruption, and disaster  
18 assistance costs resulting from natural disasters;  
19 and

20 (2) to provide a source of predisaster hazard  
21 mitigation funding that will assist States and local  
22 governments (including Indian tribes) in imple-  
23 menting effective hazard mitigation measures that  
24 are designed to ensure the continued functionality of

1 critical services and facilities after a natural dis-  
2 aster.

3 **SEC. 102. PREDISASTER HAZARD MITIGATION.**

4 (a) IN GENERAL.—Title II of the Robert T. Stafford  
5 Disaster Relief and Emergency Assistance Act (42 U.S.C.  
6 5131 et seq.) is amended by adding at the end the fol-  
7 lowing:

8 **“SEC. 203. PREDISASTER HAZARD MITIGATION.**

9 “(a) DEFINITION OF SMALL IMPOVERISHED COMMU-  
10 NITY.—In this section, the term ‘small impoverished com-  
11 munity’ means a community of 3,000 or fewer individuals  
12 that is economically disadvantaged, as determined by the  
13 State in which the community is located and based on cri-  
14 teria established by the President.

15 “(b) ESTABLISHMENT OF PROGRAM.—The President  
16 may establish a program to provide technical and financial  
17 assistance to States and local governments to assist in the  
18 implementation of predisaster hazard mitigation measures  
19 that are cost-effective and are designed to reduce injuries,  
20 loss of life, and damage and destruction of property, in-  
21 cluding damage to critical services and facilities under the  
22 jurisdiction of the States or local governments.

23 “(c) APPROVAL BY PRESIDENT.—If the President de-  
24 termines that a State or local government has identified  
25 natural disaster hazards in areas under its jurisdiction

1 and has demonstrated the ability to form effective public-  
2 private natural disaster hazard mitigation partnerships,  
3 the President, using amounts in the National Predisaster  
4 Mitigation Fund established under subsection (i) (referred  
5 to in this section as the ‘Fund’), may provide technical  
6 and financial assistance to the State or local government  
7 to be used in accordance with subsection (e).

8 “(d) STATE RECOMMENDATIONS.—

9 “(1) IN GENERAL.—

10 “(A) RECOMMENDATIONS.—The Governor  
11 of each State may recommend to the President  
12 not fewer than 5 local governments to receive  
13 assistance under this section.

14 “(B) DEADLINE FOR SUBMISSION.—The  
15 recommendations under subparagraph (A) shall  
16 be submitted to the President not later than  
17 October 1, 2001, and each October 1st there-  
18 after or such later date in the year as the Presi-  
19 dent may establish.

20 “(C) CRITERIA.—In making recommenda-  
21 tions under subparagraph (A), a Governor shall  
22 consider the criteria specified in subsection (g).

23 “(2) USE.—

24 “(A) IN GENERAL.—Except as provided in  
25 subparagraph (B), in providing assistance to

1 local governments under this section, the Presi-  
2 dent shall select from local governments rec-  
3 ommended by the Governors under this sub-  
4 section.

5 “(B) EXTRAORDINARY CIRCUMSTANCES.—

6 In providing assistance to local governments  
7 under this section, the President may select a  
8 local government that has not been rec-  
9 ommended by a Governor under this subsection  
10 if the President determines that extraordinary  
11 circumstances justify the selection and that  
12 making the selection will further the purpose of  
13 this section.

14 “(3) EFFECT OF FAILURE TO NOMINATE.—If a  
15 Governor of a State fails to submit recommendations  
16 under this subsection in a timely manner, the Presi-  
17 dent may select, subject to the criteria specified in  
18 subsection (g), any local governments of the State to  
19 receive assistance under this section.

20 “(e) USES OF TECHNICAL AND FINANCIAL ASSIST-  
21 ANCE.—

22 “(1) IN GENERAL.—Technical and financial as-  
23 sistance provided under this section—

24 “(A) shall be used by States and local gov-  
25 ernments principally to implement predisaster

1 hazard mitigation measures that are cost-effective  
2 tive and are described in proposals approved by  
3 the President under this section; and

4 “(B) may be used—

5 “(i) to support effective public-private  
6 natural disaster hazard mitigation partner-  
7 ships;

8 “(ii) to improve the assessment of a  
9 community’s vulnerability to natural haz-  
10 ards; or

11 “(iii) to establish hazard mitigation  
12 priorities, and an appropriate hazard miti-  
13 gation plan, for a community.

14 “(2) DISSEMINATION.—A State or local govern-  
15 ment may use not more than 10 percent of the fi-  
16 nancial assistance received by the State or local gov-  
17 ernment under this section for a fiscal year to fund  
18 activities to disseminate information regarding cost-  
19 effective mitigation technologies.

20 “(f) ALLOCATION OF FUNDS.—The amount of finan-  
21 cial assistance made available to a State (including  
22 amounts made available to local governments of the State)  
23 under this section for a fiscal year—

24 “(1) shall be not less than the lesser of—

25 “(A) \$500,000; or



1           “(B) the amount that is equal to 1.0 per-  
2           cent of the total funds appropriated to carry  
3           out this section for the fiscal year;

4           “(2) shall not exceed 15 percent of the total  
5           funds described in paragraph (1)(B); and

6           “(3) shall be subject to the criteria specified in  
7           subsection (g).

8           “(g) CRITERIA FOR ASSISTANCE AWARDS.—In deter-  
9           mining whether to provide technical and financial assist-  
10          ance to a State or local government under this section,  
11          the President shall take into account—

12           “(1) the extent and nature of the hazards to be  
13           mitigated;

14           “(2) the degree of commitment of the State or  
15           local government to reduce damages from future  
16           natural disasters;

17           “(3) the degree of commitment by the State or  
18           local government to support ongoing non-Federal  
19           support for the hazard mitigation measures to be  
20           carried out using the technical and financial assist-  
21           ance;

22           “(4) the extent to which the hazard mitigation  
23           measures to be carried out using the technical and  
24           financial assistance contribute to the mitigation  
25           goals and priorities established by the State;

1           “(5) the extent to which the technical and fi-  
2           nancial assistance is consistent with other assistance  
3           provided under this Act;

4           “(6) the extent to which prioritized, cost-effec-  
5           tive mitigation activities that produce meaningful  
6           and definable outcomes are clearly identified;

7           “(7) if the State or local government has sub-  
8           mitted a mitigation plan under section 322, the ex-  
9           tent to which the activities identified under para-  
10          graph (6) are consistent with the mitigation plan;

11          “(8) the opportunity to fund activities that  
12          maximize net benefits to society;

13          “(9) the extent to which assistance will fund  
14          mitigation activities in small impoverished commu-  
15          nities; and

16          “(10) such other criteria as the President es-  
17          tablishes in consultation with State and local govern-  
18          ments.

19          “(h) FEDERAL SHARE.—

20          “(1) IN GENERAL.—Financial assistance pro-  
21          vided under this section may contribute up to 75  
22          percent of the total cost of mitigation activities ap-  
23          proved by the President.

24          “(2) SMALL IMPOVERISHED COMMUNITIES.—  
25          Notwithstanding paragraph (1), the President may

1 contribute up to 90 percent of the total cost of a  
2 mitigation activity carried out in a small impover-  
3 ished community.

4 “(i) NATIONAL PREDISASTER MITIGATION FUND.—

5 “(1) ESTABLISHMENT.—The President may es-  
6 tablish in the Treasury of the United States a fund  
7 to be known as the ‘National Predisaster Mitigation  
8 Fund’, to be used in carrying out this section.

9 “(2) TRANSFERS TO FUND.—There shall be de-  
10 posited in the Fund—

11 “(A) amounts appropriated to carry out  
12 this section, which shall remain available until  
13 expended; and

14 “(B) sums available from gifts, bequests,  
15 or donations of services or property received by  
16 the President for the purpose of predisaster  
17 hazard mitigation.

18 “(3) EXPENDITURES FROM FUND.—Upon re-  
19 quest by the President, the Secretary of the Treas-  
20 ury shall transfer from the Fund to the President  
21 such amounts as the President determines are nec-  
22 essary to provide technical and financial assistance  
23 under this section.

24 “(4) INVESTMENT OF AMOUNTS.—

1           “(A) IN GENERAL.—The Secretary of the  
2           Treasury shall invest such portion of the Fund  
3           as is not, in the judgment of the Secretary of  
4           the Treasury, required to meet current with-  
5           drawals. Investments may be made only in in-  
6           terest-bearing obligations of the United States.

7           “(B) ACQUISITION OF OBLIGATIONS.—For  
8           the purpose of investments under subparagraph  
9           (A), obligations may be acquired—

10                   “(i) on original issue at the issue  
11                   price; or

12                   “(ii) by purchase of outstanding obli-  
13                   gations at the market price.

14           “(C) SALE OF OBLIGATIONS.—Any obliga-  
15           tion acquired by the Fund may be sold by the  
16           Secretary of the Treasury at the market price.

17           “(D) CREDITS TO FUND.—The interest on,  
18           and the proceeds from the sale or redemption  
19           of, any obligations held in the Fund shall be  
20           credited to and form a part of the Fund.

21           “(E) TRANSFERS OF AMOUNTS.—

22                   “(i) IN GENERAL.—The amounts re-  
23                   quired to be transferred to the Fund under  
24                   this subsection shall be transferred at least  
25                   monthly from the general fund of the

1 Treasury to the Fund on the basis of esti-  
 2 mates made by the Secretary of the Treas-  
 3 ury.

4 “(ii) ADJUSTMENTS.—Proper adjust-  
 5 ment shall be made in amounts subse-  
 6 quently transferred to the extent prior esti-  
 7 mates were in excess of or less than the  
 8 amounts required to be transferred.

9 “(j) LIMITATION ON TOTAL AMOUNT OF FINANCIAL  
 10 ASSISTANCE.—The President shall not provide financial  
 11 assistance under this section in an amount greater than  
 12 the amount available in the Fund.

13 “(k) MULTHAZARD ADVISORY MAPS.—

14 “(1) DEFINITION OF MULTHAZARD ADVISORY  
 15 MAP.—In this subsection, the term ‘multihazard ad-  
 16 visory map’ means a map on which hazard data con-  
 17 cerning each type of natural disaster is identified si-  
 18 multaneously for the purpose of showing areas of  
 19 hazard overlap.

20 “(2) DEVELOPMENT OF MAPS.—In consultation  
 21 with States, local governments, and appropriate  
 22 Federal agencies, the President shall develop multi-  
 23 hazard advisory maps for areas, in not fewer than  
 24 5 States, that are subject to commonly recurring

1 natural hazards (including flooding, hurricanes and  
2 severe winds, and seismic events).

3 “(3) USE OF TECHNOLOGY.—In developing  
4 multihazard advisory maps under this subsection,  
5 the President shall use, to the maximum extent  
6 practicable, the most cost-effective and efficient  
7 technology available.

8 “(4) USE OF MAPS.—

9 “(A) ADVISORY NATURE.—The multi-  
10 hazard advisory maps shall be considered to be  
11 advisory and shall not require the development  
12 of any new policy by, or impose any new policy  
13 on, any government or private entity.

14 “(B) AVAILABILITY OF MAPS.—The multi-  
15 hazard advisory maps shall be made available to  
16 the appropriate State and local governments for  
17 the purposes of—

18 “(i) informing the general public  
19 about the risks of natural hazards in the  
20 areas described in paragraph (2);

21 “(ii) supporting the activities de-  
22 scribed in subsection (e); and

23 “(iii) other public uses.

24 “(l) REPORT ON FEDERAL AND STATE ADMINISTRA-  
25 TION.—Not later than 18 months after the date of enact-

1 ment of this section, the President, in consultation with  
 2 State and local governments, shall submit to Congress a  
 3 report evaluating efforts to implement this section and  
 4 recommending a process for transferring greater authority  
 5 and responsibility for administering the assistance pro-  
 6 gram established under this section to capable States.

7 “(m) TERMINATION OF AUTHORITY.—The authority  
 8 provided by this section terminates December 31, 2003.”.

9 (b) CONFORMING AMENDMENT.—Title II of the Rob-  
 10 ert T. Stafford Disaster Relief and Emergency Assistance  
 11 Act (42 U.S.C. 5131 et seq.) is amended by striking the  
 12 title heading and inserting the following:

13 **“TITLE II—DISASTER PREPARED-**  
 14 **NESS AND MITIGATION AS-**  
 15 **SISTANCE”.**

16 **SEC. 103. INTERAGENCY TASK FORCE.**

17 Title II of the Robert T. Stafford Disaster Relief and  
 18 Emergency Assistance Act (42 U.S.C. 5131 et seq.) (as  
 19 amended by section 102(a)) is amended by adding at the  
 20 end the following:

21 **“SEC. 204. INTERAGENCY TASK FORCE.**

22 “(a) IN GENERAL.—The President shall establish a  
 23 Federal interagency task force for the purpose of coordi-  
 24 nating the implementation of predisaster hazard mitiga-  
 25 tion programs administered by the Federal Government.

1 “(b) CHAIRPERSON.—The Director of the Federal  
2 Emergency Management Agency shall serve as the chair-  
3 person of the task force.

4 “(c) MEMBERSHIP.—The membership of the task  
5 force shall include representatives of—

6 “(1) relevant Federal agencies;

7 “(2) State and local government organizations  
8 (including Indian tribes); and

9 “(3) the American Red Cross.”.

10 **SEC. 104. MITIGATION PLANNING; MINIMUM STANDARDS**  
11 **FOR PUBLIC AND PRIVATE STRUCTURES.**

12 (a) IN GENERAL.—Title III of the Robert T. Stafford  
13 Disaster Relief and Emergency Assistance Act (42 U.S.C.  
14 5141 et seq.) is amended by adding at the end the fol-  
15 lowing:

16 **“SEC. 322. MITIGATION PLANNING.**

17 “(a) REQUIREMENT OF MITIGATION PLAN.—As a  
18 condition of receipt of an increased Federal share for haz-  
19 ard mitigation measures under subsection (e), a State,  
20 local, or tribal government shall develop and submit for  
21 approval to the President a mitigation plan that outlines  
22 processes for identifying the natural hazards, risks, and  
23 vulnerabilities of the area under the jurisdiction of the  
24 government.



1       “(b) LOCAL AND TRIBAL PLANS.—Each mitigation  
2 plan developed by a local or tribal government shall—

3               “(1) describe actions to mitigate hazards, risks,  
4 and vulnerabilities identified under the plan; and

5               “(2) establish a strategy to implement those ac-  
6 tions.

7       “(c) STATE PLANS.—The State process of develop-  
8 ment of a mitigation plan under this section shall—

9               “(1) identify the natural hazards, risks, and  
10 vulnerabilities of areas in the State;

11               “(2) support development of local mitigation  
12 plans;

13               “(3) provide for technical assistance to local  
14 and tribal governments for mitigation planning; and

15               “(4) identify and prioritize mitigation actions  
16 that the State will support, as resources become  
17 available.

18       “(d) FUNDING.—

19               “(1) IN GENERAL.—Federal contributions  
20 under section 404 may be used to fund the develop-  
21 ment and updating of mitigation plans under this  
22 section.

23               “(2) MAXIMUM FEDERAL CONTRIBUTION.—  
24 With respect to any mitigation plan, a State, local,  
25 or tribal government may use an amount of Federal

1 contributions under section 404 not to exceed 7 per-  
 2 cent of the amount of such contributions available to  
 3 the government as of a date determined by the gov-  
 4 ernment.

5 “(e) INCREASED FEDERAL SHARE FOR HAZARD  
 6 MITIGATION MEASURES.—

7 “(1) IN GENERAL.—If, at the time of the dec-  
 8 laration of a major disaster, a State has in effect an  
 9 approved mitigation plan under this section, the  
 10 President may increase to 20 percent, with respect  
 11 to the major disaster, the maximum percentage  
 12 specified in the last sentence of section 404(a).

13 “(2) FACTORS FOR CONSIDERATION.—In deter-  
 14 mining whether to increase the maximum percentage  
 15 under paragraph (1), the President shall consider  
 16 whether the State has established—

17 “(A) eligibility criteria for property acqui-  
 18 sition and other types of mitigation measures;

19 “(B) requirements for cost effectiveness  
 20 that are related to the eligibility criteria;

21 “(C) a system of priorities that is related  
 22 to the eligibility criteria; and

23 “(D) a process by which an assessment of  
 24 the effectiveness of a mitigation action may be

1 carried out after the mitigation action is com-  
 2 plete.

3 **“SEC. 323. MINIMUM STANDARDS FOR PUBLIC AND PRI-**  
 4 **VATE STRUCTURES.**

5 “(a) IN GENERAL.—As a condition of receipt of a dis-  
 6 aster loan or grant under this Act—

7 “(1) the recipient shall carry out any repair or  
 8 construction to be financed with the loan or grant in  
 9 accordance with applicable standards of safety, de-  
 10 cency, and sanitation and in conformity with appli-  
 11 cable codes, specifications, and standards; and

12 “(2) the President may require safe land use  
 13 and construction practices, after adequate consulta-  
 14 tion with appropriate State and local government of-  
 15 ficials.

16 “(b) EVIDENCE OF COMPLIANCE.—A recipient of a  
 17 disaster loan or grant under this Act shall provide such  
 18 evidence of compliance with this section as the President  
 19 may require by regulation.”.

20 (b) LOSSES FROM STRAIGHT LINE WINDS.—The  
 21 President shall increase the maximum percentage specified  
 22 in the last sentence of section 404(a) of the Robert T.  
 23 Stafford Disaster Relief and Emergency Assistance Act  
 24 (42 U.S.C. 5170c(a)) from 15 percent to 20 percent with  
 25 respect to any major disaster that is in the State of Min-

1 nesota and for which assistance is being provided as of  
 2 the date of enactment of this Act, except that additional  
 3 assistance provided under this subsection shall not exceed  
 4 \$6,000,000. The mitigation measures assisted under this  
 5 subsection shall be related to losses in the State of Min-  
 6 nesota from straight line winds.

7 (c) CONFORMING AMENDMENTS.—

8 (1) Section 404(a) of the Robert T. Stafford  
 9 Disaster Relief and Emergency Assistance Act (42  
 10 U.S.C. 5170c(a)) is amended—

11 (A) in the second sentence, by striking  
 12 “section 409” and inserting “section 322”; and

13 (B) in the third sentence, by striking “The  
 14 total” and inserting “Subject to section 322,  
 15 the total”.

16 (2) Section 409 of the Robert T. Stafford Dis-  
 17 aster Relief and Emergency Assistance Act (42  
 18 U.S.C. 5176) is repealed.

## 19 **TITLE II—STREAMLINING AND** 20 **COST REDUCTION**

### 21 **SEC. 201. TECHNICAL AMENDMENTS.**

22 Section 311 of the Robert T. Stafford Disaster Relief  
 23 and Emergency Assistance Act (42 U.S.C. 5154) is  
 24 amended in subsections (a)(1), (b), and (c) by striking  
 25 “section 803 of the Public Works and Economic Develop-

1 ment Act of 1965” each place it appears and inserting  
2 “section 209(c)(2) of the Public Works and Economic De-  
3 velopment Act of 1965 (42 U.S.C. 3149(c)(2))”.

4 **SEC. 202. MANAGEMENT COSTS.**

5 (a) IN GENERAL.—Title III of the Robert T. Stafford  
6 Disaster Relief and Emergency Assistance Act (42 U.S.C.  
7 5141 et seq.) (as amended by section 104(a)) is amended  
8 by adding at the end the following:

9 **“SEC. 324. MANAGEMENT COSTS.**

10 “(a) DEFINITION OF MANAGEMENT COST.—In this  
11 section, the term ‘management cost’ includes any indirect  
12 cost, any administrative expense, and any other expense  
13 not directly chargeable to a specific project under a major  
14 disaster, emergency, or disaster preparedness or mitiga-  
15 tion activity or measure.

16 “(b) ESTABLISHMENT OF MANAGEMENT COST  
17 RATES.—Notwithstanding any other provision of law (in-  
18 cluding any administrative rule or guidance), the Presi-  
19 dent shall by regulation establish management cost rates,  
20 for grantees and subgrantees, that shall be used to deter-  
21 mine contributions under this Act for management costs.

22 “(c) REVIEW.—The President shall review the man-  
23 agement cost rates established under subsection (b) not  
24 later than 3 years after the date of establishment of the  
25 rates and periodically thereafter.”.

1 (b) APPLICABILITY.—

2 (1) IN GENERAL.—Subject to paragraph (2),  
3 subsections (a) and (b) of section 324 of the Robert  
4 T. Stafford Disaster Relief and Emergency Assist-  
5 ance Act (as added by subsection (a)) shall apply to  
6 major disasters declared under that Act on or after  
7 the date of enactment of this Act.

8 (2) INTERIM AUTHORITY.—Until the date on  
9 which the President establishes the management  
10 cost rates under section 324 of the Robert T. Staf-  
11 ford Disaster Relief and Emergency Assistance Act  
12 (as added by subsection (a)), section 406(f) of the  
13 Robert T. Stafford Disaster Relief and Emergency  
14 Assistance Act (42 U.S.C. 5172(f)) (as in effect on  
15 the day before the date of enactment of this Act)  
16 shall be used to establish management cost rates.

17 **SEC. 203. PUBLIC NOTICE, COMMENT, AND CONSULTATION**  
18 **REQUIREMENTS.**

19 Title III of the Robert T. Stafford Disaster Relief  
20 and Emergency Assistance Act (42 U.S.C. 5141 et seq.)  
21 (as amended by section 202(a)) is amended by adding at  
22 the end the following:

1 **“SEC. 325. PUBLIC NOTICE, COMMENT, AND CONSULTATION**  
2 **REQUIREMENTS.**

3 “(a) PUBLIC NOTICE AND COMMENT CONCERNING  
4 NEW OR MODIFIED POLICIES.—

5 “(1) IN GENERAL.—The President shall provide  
6 for public notice and opportunity for comment be-  
7 fore adopting any new or modified policy that—

8 “(A) governs implementation of the public  
9 assistance program administered by the Federal  
10 Emergency Management Agency under this  
11 Act; and

12 “(B) could result in a significant reduction  
13 of assistance under the program.

14 “(2) APPLICATION.—Any policy adopted under  
15 paragraph (1) shall apply only to a major disaster  
16 or emergency declared on or after the date on which  
17 the policy is adopted.

18 “(b) CONSULTATION CONCERNING INTERIM POLI-  
19 CIES.—

20 “(1) IN GENERAL.—Before adopting any in-  
21 terim policy under the public assistance program to  
22 address specific conditions that relate to a major  
23 disaster or emergency that has been declared under  
24 this Act, the President, to the maximum extent  
25 practicable, shall solicit the views and recommenda-  
26 tions of grantees and subgrantees with respect to the

1 major disaster or emergency concerning the poten-  
 2 tial interim policy, if the interim policy is likely—

3 “(A) to result in a significant reduction of  
 4 assistance to applicants for the assistance with  
 5 respect to the major disaster or emergency; or

6 “(B) to change the terms of a written  
 7 agreement to which the Federal Government is  
 8 a party concerning the declaration of the major  
 9 disaster or emergency.

10 “(2) NO LEGAL RIGHT OF ACTION.—Nothing in  
 11 this subsection confers a legal right of action on any  
 12 party.

13 “(c) PUBLIC ACCESS.—The President shall promote  
 14 public access to policies governing the implementation of  
 15 the public assistance program.”.

16 **SEC. 204. STATE ADMINISTRATION OF HAZARD MITIGATION**  
 17 **GRANT PROGRAM.**

18 Section 404 of the Robert T. Stafford Disaster Relief  
 19 and Emergency Assistance Act (42 U.S.C. 5170c) is  
 20 amended by adding at the end the following:

21 “(c) PROGRAM ADMINISTRATION BY STATES.—

22 “(1) IN GENERAL.—A State desiring to admin-  
 23 ister the hazard mitigation grant program estab-  
 24 lished by this section with respect to hazard mitiga-  
 25 tion assistance in the State may submit to the Presi-



1       dent an application for the delegation of the author-  
2       ity to administer the program.

3               “(2) CRITERIA.—The President, in consultation  
4       and coordination with States and local governments,  
5       shall establish criteria for the approval of applica-  
6       tions submitted under paragraph (1). The criteria  
7       shall include, at a minimum—

8               “(A) the demonstrated ability of the State  
9       to manage the grant program under this sec-  
10      tion;

11              “(B) there being in effect an approved  
12      mitigation plan under section 322; and

13              “(C) a demonstrated commitment to miti-  
14      gation activities.

15              “(3) APPROVAL.—The President shall approve  
16      an application submitted under paragraph (1) that  
17      meets the criteria established under paragraph (2).

18              “(4) WITHDRAWAL OF APPROVAL.—If, after  
19      approving an application of a State submitted under  
20      paragraph (1), the President determines that the  
21      State is not administering the hazard mitigation  
22      grant program established by this section in a man-  
23      ner satisfactory to the President, the President shall  
24      withdraw the approval.

1           “(5) AUDITS.—The President shall provide for  
2       periodic audits of the hazard mitigation grant pro-  
3       grams administered by States under this sub-  
4       section.”.

5 **SEC. 205. ASSISTANCE TO REPAIR, RESTORE, RECON-**  
6 **STRUCT, OR REPLACE DAMAGED FACILITIES.**

7       (a) CONTRIBUTIONS.—Section 406 of the Robert T.  
8       Stafford Disaster Relief and Emergency Assistance Act  
9       (42 U.S.C. 5172) is amended by striking subsection (a)  
10      and inserting the following:

11       “(a) CONTRIBUTIONS.—

12           “(1) IN GENERAL.—The President may make  
13      contributions—

14           “(A) to a State or local government for the  
15      repair, restoration, reconstruction, or replace-  
16      ment of a public facility damaged or destroyed  
17      by a major disaster and for associated expenses  
18      incurred by the government; and

19           “(B) subject to paragraph (3), to a person  
20      that owns or operates a private nonprofit facil-  
21      ity damaged or destroyed by a major disaster  
22      for the repair, restoration, reconstruction, or re-  
23      placement of the facility and for associated ex-  
24      penses incurred by the person.

1           “(2) ASSOCIATED EXPENSES.—For the pur-  
2       poses of this section, associated expenses shall  
3       include—

4           “(A) the costs of mobilizing and employing  
5       the National Guard for performance of eligible  
6       work;

7           “(B) the costs of using prison labor to per-  
8       form eligible work, including wages actually  
9       paid, transportation to a worksite, and extraor-  
10      dinary costs of guards, food, and lodging; and

11          “(C) base and overtime wages for the em-  
12      ployees and extra hires of a State, local govern-  
13      ment, or person described in paragraph (1) that  
14      perform eligible work, plus fringe benefits on  
15      such wages to the extent that such benefits  
16      were being paid before the major disaster.

17          “(3) CONDITIONS FOR ASSISTANCE TO PRIVATE  
18      NONPROFIT FACILITIES.—

19          “(A) IN GENERAL.—The President may  
20      make contributions to a private nonprofit facil-  
21      ity under paragraph (1)(B) only if—

22              “(i) the facility provides critical serv-  
23              ices (as defined by the President) in the  
24              event of a major disaster; or

1 “(ii) the owner or operator of the  
2 facility—

3 “(I) has applied for a disaster  
4 loan under section 7(b) of the Small  
5 Business Act (15 U.S.C. 636(b)); and

6 “(II)(aa) has been determined to  
7 be ineligible for such a loan; or

8 “(bb) has obtained such a loan in  
9 the maximum amount for which the  
10 Small Business Administration deter-  
11 mines the facility is eligible.

12 “(B) DEFINITION OF CRITICAL SERV-  
13 ICES.—In this paragraph, the term ‘critical  
14 services’ includes power, water (including water  
15 provided by an irrigation organization or facil-  
16 ity), sewer, wastewater treatment, communica-  
17 tions, and emergency medical care.

18 “(4) NOTIFICATION TO CONGRESS.—Before  
19 making any contribution under this section in an  
20 amount greater than \$20,000,000, the President  
21 shall notify—

22 “(A) the Committee on Environment and  
23 Public Works of the Senate;

1                   “(B) the Committee on Transportation  
2                   and Infrastructure of the House of Representa-  
3                   tives;

4                   “(C) the Committee on Appropriations of  
5                   the Senate; and

6                   “(D) the Committee on Appropriations of  
7                   the House of Representatives.”.

8           (b) FEDERAL SHARE.—Section 406 of the Robert T.  
9   Stafford Disaster Relief and Emergency Assistance Act  
10 (42 U.S.C. 5172) is amended by striking subsection (b)  
11 and inserting the following:

12       “(b) FEDERAL SHARE.—

13               “(1) MINIMUM FEDERAL SHARE.—Except as  
14               provided in paragraph (2), the Federal share of as-  
15               sistance under this section shall be not less than 75  
16               percent of the eligible cost of repair, restoration, re-  
17               construction, or replacement carried out under this  
18               section.

19               “(2) REDUCED FEDERAL SHARE.—The Presi-  
20               dent shall promulgate regulations to reduce the Fed-  
21               eral share of assistance under this section to not less  
22               than 25 percent in the case of the repair, restora-  
23               tion, reconstruction, or replacement of any eligible  
24               public facility or private nonprofit facility following  
25               an event associated with a major disaster—

1           “(A) that has been damaged, on more than  
2           1 occasion within the preceding 10-year period,  
3           by the same type of event; and

4           “(B) the owner of which has failed to im-  
5           plement appropriate mitigation measures to ad-  
6           dress the hazard that caused the damage to the  
7           facility.”.

8           (c) LARGE IN-LIEU CONTRIBUTIONS.—Section 406  
9   of the Robert T. Stafford Disaster Relief and Emergency  
10   Assistance Act (42 U.S.C. 5172) is amended by striking  
11   subsection (c) and inserting the following:

12       “(c) LARGE IN-LIEU CONTRIBUTIONS.—

13       “(1) FOR PUBLIC FACILITIES.—

14       “(A) IN GENERAL.—In any case in which  
15       a State or local government determines that the  
16       public welfare would not best be served by re-  
17       pairing, restoring, reconstructing, or replacing  
18       any public facility owned or controlled by the  
19       State or local government, the State or local  
20       government may elect to receive, in lieu of a  
21       contribution under subsection (a)(1)(A), a con-  
22       tribution in an amount equal to 75 percent of  
23       the Federal share of the Federal estimate of the  
24       cost of repairing, restoring, reconstructing, or

1 replacing the facility and of management ex-  
2 penses.

3 “(B) AREAS WITH UNSTABLE SOIL.—In  
4 any case in which a State or local government  
5 determines that the public welfare would not  
6 best be served by repairing, restoring, recon-  
7 structing, or replacing any public facility owned  
8 or controlled by the State or local government  
9 because soil instability in the disaster area  
10 makes repair, restoration, reconstruction, or re-  
11 placement infeasible, the State or local govern-  
12 ment may elect to receive, in lieu of a contribu-  
13 tion under subsection (a)(1)(A), a contribution  
14 in an amount equal to 90 percent of the Fed-  
15 eral share of the Federal estimate of the cost  
16 of repairing, restoring, reconstructing, or re-  
17 placing the facility and of management ex-  
18 penses.

19 “(C) USE OF FUNDS.—Funds contributed  
20 to a State or local government under this para-  
21 graph may be used—

22 “(i) to repair, restore, or expand other  
23 selected public facilities;

24 “(ii) to construct new facilities; or

1 “(iii) to fund hazard mitigation meas-  
 2 ures that the State or local government de-  
 3 termines to be necessary to meet a need  
 4 for governmental services and functions in  
 5 the area affected by the major disaster.

6 “(D) LIMITATIONS.—Funds made avail-  
 7 able to a State or local government under this  
 8 paragraph may not be used for—

9 “(i) any public facility located in a  
 10 regulatory floodway (as defined in section  
 11 59.1 of title 44, Code of Federal Regula-  
 12 tions (or a successor regulation)); or

13 “(ii) any uninsured public facility lo-  
 14 cated in a special flood hazard area identi-  
 15 fied by the Director of the Federal Emer-  
 16 gency Management Agency under the Na-  
 17 tional Flood Insurance Act of 1968 (42  
 18 U.S.C. 4001 et seq.).

19 “(2) FOR PRIVATE NONPROFIT FACILITIES.—

20 “(A) IN GENERAL.—In any case in which  
 21 a person that owns or operates a private non-  
 22 profit facility determines that the public welfare  
 23 would not best be served by repairing, restor-  
 24 ing, reconstructing, or replacing the facility, the  
 25 person may elect to receive, in lieu of a con-



1           tribution under subsection (a)(1)(B), a con-  
2           tribution in an amount equal to 75 percent of  
3           the Federal share of the Federal estimate of the  
4           cost of repairing, restoring, reconstructing, or  
5           replacing the facility and of management ex-  
6           penses.

7           “(B) USE OF FUNDS.—Funds contributed  
8           to a person under this paragraph may be  
9           used—

10           “(i) to repair, restore, or expand other  
11           selected private nonprofit facilities owned  
12           or operated by the person;

13           “(ii) to construct new private non-  
14           profit facilities to be owned or operated by  
15           the person; or

16           “(iii) to fund hazard mitigation meas-  
17           ures that the person determines to be nec-  
18           essary to meet a need for the person’s  
19           services and functions in the area affected  
20           by the major disaster.

21           “(C) LIMITATIONS.—Funds made available  
22           to a person under this paragraph may not be  
23           used for—

24           “(i) any private nonprofit facility lo-  
25           cated in a regulatory floodway (as defined

1 in section 59.1 of title 44, Code of Federal  
 2 Regulations (or a successor regulation)); or  
 3 “(ii) any uninsured private nonprofit  
 4 facility located in a special flood hazard  
 5 area identified by the Director of the Fed-  
 6 eral Emergency Management Agency  
 7 under the National Flood Insurance Act of  
 8 1968 (42 U.S.C. 4001 et seq.).”.

9 (d) ELIGIBLE COST.—

10 (1) IN GENERAL.—Section 406 of the Robert T.  
 11 Stafford Disaster Relief and Emergency Assistance  
 12 Act (42 U.S.C. 5172) is amended by striking sub-  
 13 section (e) and inserting the following:

14 “(e) ELIGIBLE COST.—

15 “(1) DETERMINATION.—

16 “(A) IN GENERAL.—For the purposes of  
 17 this section, the President shall estimate the eli-  
 18 gible cost of repairing, restoring, recon-  
 19 structing, or replacing a public facility or pri-  
 20 vate nonprofit facility—

21 “(i) on the basis of the design of the  
 22 facility as the facility existed immediately  
 23 before the major disaster; and

24 “(ii) in conformity with codes, speci-  
 25 fications, and standards (including flood-

1 plain management and hazard mitigation  
 2 criteria required by the President or under  
 3 the Coastal Barrier Resources Act (16  
 4 U.S.C. 3501 et seq.)) applicable at the  
 5 time at which the disaster occurred.

6 “(B) COST ESTIMATION PROCEDURES.—

7 “(i) IN GENERAL.—Subject to para-  
 8 graph (2), the President shall use the cost  
 9 estimation procedures established under  
 10 paragraph (3) to determine the eligible  
 11 cost under this subsection.

12 “(ii) APPLICABILITY.—The proce-  
 13 dures specified in this paragraph and para-  
 14 graph (2) shall apply only to projects the  
 15 eligible cost of which is equal to or greater  
 16 than the amount specified in section 422.

17 “(2) MODIFICATION OF ELIGIBLE COST.—

18 “(A) ACTUAL COST GREATER THAN CEIL-  
 19 ING PERCENTAGE OF ESTIMATED COST.—In  
 20 any case in which the actual cost of repairing,  
 21 restoring, reconstructing, or replacing a facility  
 22 under this section is greater than the ceiling  
 23 percentage established under paragraph (3) of  
 24 the cost estimated under paragraph (1), the  
 25 President may determine that the eligible cost

1 includes a portion of the actual cost of the re-  
2 pair, restoration, reconstruction, or replacement  
3 that exceeds the cost estimated under para-  
4 graph (1).

5 “(B) ACTUAL COST LESS THAN ESTI-  
6 MATED COST.—

7 “(i) GREATER THAN OR EQUAL TO  
8 FLOOR PERCENTAGE OF ESTIMATED  
9 COST.—In any case in which the actual  
10 cost of repairing, restoring, reconstructing,  
11 or replacing a facility under this section is  
12 less than 100 percent of the cost estimated  
13 under paragraph (1), but is greater than  
14 or equal to the floor percentage established  
15 under paragraph (3) of the cost estimated  
16 under paragraph (1), the State or local  
17 government or person receiving funds  
18 under this section shall use the excess  
19 funds to carry out cost-effective activities  
20 that reduce the risk of future damage,  
21 hardship, or suffering from a major dis-  
22 aster.

23 “(ii) LESS THAN FLOOR PERCENTAGE  
24 OF ESTIMATED COST.—In any case in  
25 which the actual cost of repairing, restor-

1 ing, reconstructing, or replacing a facility  
2 under this section is less than the floor  
3 percentage established under paragraph  
4 (3) of the cost estimated under paragraph  
5 (1), the State or local government or per-  
6 son receiving assistance under this section  
7 shall reimburse the President in the  
8 amount of the difference.

9 “(C) NO EFFECT ON APPEALS PROCESS.—

10 Nothing in this paragraph affects any right of  
11 appeal under section 423.

12 “(3) EXPERT PANEL.—

13 “(A) ESTABLISHMENT.—Not later than 18  
14 months after the date of enactment of this  
15 paragraph, the President, acting through the  
16 Director of the Federal Emergency Manage-  
17 ment Agency, shall establish an expert panel,  
18 which shall include representatives from the  
19 construction industry and State and local gov-  
20 ernment.

21 “(B) DUTIES.—The expert panel shall de-  
22 velop recommendations concerning—

23 “(i) procedures for estimating the cost  
24 of repairing, restoring, reconstructing, or

1 replacing a facility consistent with industry  
2 practices; and

3 “(ii) the ceiling and floor percentages  
4 referred to in paragraph (2).

5 “(C) REGULATIONS.—Taking into account  
6 the recommendations of the expert panel under  
7 subparagraph (B), the President shall promul-  
8 gate regulations that establish—

9 “(i) cost estimation procedures de-  
10 scribed in subparagraph (B)(i); and

11 “(ii) the ceiling and floor percentages  
12 referred to in paragraph (2).

13 “(D) REVIEW BY PRESIDENT.—Not later  
14 than 2 years after the date of promulgation of  
15 regulations under subparagraph (C) and peri-  
16 odically thereafter, the President shall review  
17 the cost estimation procedures and the ceiling  
18 and floor percentages established under this  
19 paragraph.

20 “(E) REPORT TO CONGRESS.—Not later  
21 than 1 year after the date of promulgation of  
22 regulations under subparagraph (C), 3 years  
23 after that date, and at the end of each 2-year  
24 period thereafter, the expert panel shall submit

1 to Congress a report on the appropriateness of  
2 the cost estimation procedures.

3 “(4) SPECIAL RULE.—In any case in which the  
4 facility being repaired, restored, reconstructed, or re-  
5 placed under this section was under construction on  
6 the date of the major disaster, the cost of repairing,  
7 restoring, reconstructing, or replacing the facility  
8 shall include, for the purposes of this section, only  
9 those costs that, under the contract for the construc-  
10 tion, are the owner’s responsibility and not the con-  
11 tractor’s responsibility.”.

12 (2) EFFECTIVE DATE.—The amendment made  
13 by paragraph (1) takes effect on the date of enact-  
14 ment of this Act and applies to funds appropriated  
15 after the date of enactment of this Act, except that  
16 paragraph (1) of section 406(e) of the Robert T.  
17 Stafford Disaster Relief and Emergency Assistance  
18 Act (as amended by paragraph (1)) takes effect on  
19 the date on which the cost estimation procedures es-  
20 tablished under paragraph (3) of that section take  
21 effect.

22 (e) CONFORMING AMENDMENT.—Section 406 of the  
23 Robert T. Stafford Disaster Relief and Emergency Assist-  
24 ance Act (42 U.S.C. 5172) is amended by striking sub-  
25 section (f).

1 **SEC. 206. FEDERAL ASSISTANCE TO INDIVIDUALS AND**  
2 **HOUSEHOLDS.**

3 (a) IN GENERAL.—Section 408 of the Robert T.  
4 Stafford Disaster Relief and Emergency Assistance Act  
5 (42 U.S.C. 5174) is amended to read as follows:

6 **“SEC. 408. FEDERAL ASSISTANCE TO INDIVIDUALS AND**  
7 **HOUSEHOLDS.**

8 “(a) IN GENERAL.—

9 “(1) PROVISION OF ASSISTANCE.—In accord-  
10 ance with this section, the President, in consultation  
11 with the Governor of a State, may provide financial  
12 assistance, and, if necessary, direct services, to indi-  
13 viduals and households in the State who, as a direct  
14 result of a major disaster, have necessary expenses  
15 and serious needs in cases in which the individuals  
16 and households are unable to meet such expenses or  
17 needs through other means.

18 “(2) RELATIONSHIP TO OTHER ASSISTANCE.—  
19 Under paragraph (1), an individual or household  
20 shall not be denied assistance under paragraph (1),  
21 (3), or (4) of subsection (c) solely on the basis that  
22 the individual or household has not applied for or re-  
23 ceived any loan or other financial assistance from  
24 the Small Business Administration or any other  
25 Federal agency.

26 “(b) HOUSING ASSISTANCE.—



1           “(1) ELIGIBILITY.—The President may provide  
2           financial or other assistance under this section to in-  
3           dividuals and households to respond to the disaster-  
4           related housing needs of individuals and households  
5           who are displaced from their predisaster primary  
6           residences or whose predisaster primary residences  
7           are rendered uninhabitable as a result of damage  
8           caused by a major disaster.

9           “(2) DETERMINATION OF APPROPRIATE TYPES  
10          OF ASSISTANCE.—

11           “(A) IN GENERAL.—The President shall  
12           determine appropriate types of housing assist-  
13           ance to be provided under this section to indi-  
14           viduals and households described in subsection  
15           (a)(1) based on considerations of cost effective-  
16           ness, convenience to the individuals and house-  
17           holds, and such other factors as the President  
18           may consider appropriate.

19           “(B) MULTIPLE TYPES OF ASSISTANCE.—  
20           One or more types of housing assistance may be  
21           made available under this section, based on the  
22           suitability and availability of the types of assist-  
23           ance, to meet the needs of individuals and  
24           households in the particular disaster situation.

25          “(c) TYPES OF HOUSING ASSISTANCE.—

1 “(1) TEMPORARY HOUSING.—

2 “(A) FINANCIAL ASSISTANCE.—

3 “(i) IN GENERAL.—The President  
4 may provide financial assistance to individ-  
5 uals or households to rent alternate hous-  
6 ing accommodations, existing rental units,  
7 manufactured housing, recreational vehi-  
8 cles, or other readily fabricated dwellings.

9 “(ii) AMOUNT.—The amount of as-  
10 sistance under clause (i) shall be based on  
11 the fair market rent for the accommoda-  
12 tion provided plus the cost of any transpor-  
13 tation, utility hookups, or unit installation  
14 not provided directly by the President.

15 “(B) DIRECT ASSISTANCE.—

16 “(i) IN GENERAL.—The President  
17 may provide temporary housing units, ac-  
18 quired by purchase or lease, directly to in-  
19 dividuals or households who, because of a  
20 lack of available housing resources, would  
21 be unable to make use of the assistance  
22 provided under subparagraph (A).

23 “(ii) PERIOD OF ASSISTANCE.—The  
24 President may not provide direct assist-  
25 ance under clause (i) with respect to a

1 major disaster after the end of the 18-  
 2 month period beginning on the date of the  
 3 declaration of the major disaster by the  
 4 President, except that the President may  
 5 extend that period if the President deter-  
 6 mines that due to extraordinary cir-  
 7 cumstances an extension would be in the  
 8 public interest.

9 “(iii) COLLECTION OF RENTAL  
 10 CHARGES.—After the end of the 18-month  
 11 period referred to in clause (ii), the Presi-  
 12 dent may charge fair market rent for each  
 13 temporary housing unit provided.

14 “(2) REPAIRS.—

15 “(A) IN GENERAL.—The President may  
 16 provide financial assistance for—

17 “(i) the repair of owner-occupied pri-  
 18 vate residences, utilities, and residential in-  
 19 frastructure (such as a private access  
 20 route) damaged by a major disaster to a  
 21 safe and sanitary living or functioning con-  
 22 dition; and

23 “(ii) eligible hazard mitigation meas-  
 24 ures that reduce the likelihood of future

1 damage to such residences, utilities, or in-  
2 frastructure.

3 “(B) RELATIONSHIP TO OTHER ASSIST-  
4 ANCE.—A recipient of assistance provided  
5 under this paragraph shall not be required to  
6 show that the assistance can be met through  
7 other means, except insurance proceeds.

8 “(C) MAXIMUM AMOUNT OF ASSIST-  
9 ANCE.—The amount of assistance provided to a  
10 household under this paragraph shall not ex-  
11 ceed \$5,000, as adjusted annually to reflect  
12 changes in the Consumer Price Index for All  
13 Urban Consumers published by the Department  
14 of Labor.

15 “(3) REPLACEMENT.—

16 “(A) IN GENERAL.—The President may  
17 provide financial assistance for the replacement  
18 of owner-occupied private residences damaged  
19 by a major disaster.

20 “(B) MAXIMUM AMOUNT OF ASSIST-  
21 ANCE.—The amount of assistance provided to a  
22 household under this paragraph shall not ex-  
23 ceed \$10,000, as adjusted annually to reflect  
24 changes in the Consumer Price Index for All

1 Urban Consumers published by the Department  
2 of Labor.

3 “(C) APPLICABILITY OF FLOOD INSUR-  
4 ANCE REQUIREMENT.—With respect to assist-  
5 ance provided under this paragraph, the Presi-  
6 dent may not waive any provision of Federal  
7 law requiring the purchase of flood insurance as  
8 a condition of the receipt of Federal disaster as-  
9 sistance.

10 “(4) PERMANENT HOUSING CONSTRUCTION.—  
11 The President may provide financial assistance or  
12 direct assistance to individuals or households to con-  
13 struct permanent housing in insular areas outside  
14 the continental United States and in other remote  
15 locations in cases in which—

16 “(A) no alternative housing resources are  
17 available; and

18 “(B) the types of temporary housing as-  
19 sistance described in paragraph (1) are unavail-  
20 able, infeasible, or not cost-effective.

21 “(d) TERMS AND CONDITIONS RELATING TO HOUS-  
22 ING ASSISTANCE.—

23 “(1) SITES.—

24 “(A) IN GENERAL.—Any readily fabricated  
25 dwelling provided under this section shall,

whenever practicable, be located on a site  
that—

“(i) is complete with utilities; and

“(ii) is provided by the State or local  
government, by the owner of the site, or by  
the occupant who was displaced by the  
major disaster.

“(B) SITES PROVIDED BY THE PRESI-  
DENT.—A readily fabricated dwelling may be  
located on a site provided by the President if  
the President determines that such a site would  
be more economical or accessible.

“(2) DISPOSAL OF UNITS.—

“(A) SALE TO OCCUPANTS.—

“(i) IN GENERAL.—Notwithstanding  
any other provision of law, a temporary  
housing unit purchased under this section  
by the President for the purpose of hous-  
ing disaster victims may be sold directly to  
the individual or household who is occu-  
pying the unit if the individual or house-  
hold lacks permanent housing.

“(ii) SALE PRICE.—A sale of a tem-  
porary housing unit under clause (i) shall  
be at a price that is fair and equitable.

1 “(iii) DEPOSIT OF PROCEEDS.—Not-  
 2 withstanding any other provision of law,  
 3 the proceeds of a sale under clause (i) shall  
 4 be deposited in the appropriate Disaster  
 5 Relief Fund account.

6 “(iv) HAZARD AND FLOOD INSUR-  
 7 ANCE.—A sale of a temporary housing unit  
 8 under clause (i) shall be made on the con-  
 9 dition that the individual or household pur-  
 10 chasing the housing unit agrees to obtain  
 11 and maintain hazard and flood insurance  
 12 on the housing unit.

13 “(v) USE OF GSA SERVICES.—The  
 14 President may use the services of the Gen-  
 15 eral Services Administration to accomplish  
 16 a sale under clause (i).

17 “(B) OTHER METHODS OF DISPOSAL.—If  
 18 not disposed of under subparagraph (A), a tem-  
 19 porary housing unit purchased under this sec-  
 20 tion by the President for the purpose of housing  
 21 disaster victims—

22 “(i) may be sold to any person; or

23 “(ii) may be sold, transferred, do-  
 24 nated, or otherwise made available directly  
 25 to a State or other governmental entity or

1 to a voluntary organization for the sole  
2 purpose of providing temporary housing to  
3 disaster victims in major disasters and  
4 emergencies if, as a condition of the sale,  
5 transfer, or donation, the State, other gov-  
6 ernmental agency, or voluntary organiza-  
7 tion agrees—

8 “(I) to comply with the non-  
9 discrimination provisions of section  
10 308; and

11 “(II) to obtain and maintain haz-  
12 ard and flood insurance on the hous-  
13 ing unit.

14 “(e) FINANCIAL ASSISTANCE TO ADDRESS OTHER  
15 NEEDS.—

16 “(1) MEDICAL, DENTAL, AND FUNERAL EX-  
17 PENSES.—The President, in consultation with the  
18 Governor of a State, may provide financial assist-  
19 ance under this section to an individual or household  
20 in the State who is adversely affected by a major  
21 disaster to meet disaster-related medical, dental, and  
22 funeral expenses.

23 “(2) PERSONAL PROPERTY, TRANSPORTATION,  
24 AND OTHER EXPENSES.—The President, in con-  
25 sultation with the Governor of a State, may provide



1 financial assistance under this section to an indi-  
2 vidual or household described in paragraph (1) to  
3 address personal property, transportation, and other  
4 necessary expenses or serious needs resulting from  
5 the major disaster.

6 “(f) STATE ROLE.—

7 “(1) FINANCIAL ASSISTANCE TO ADDRESS  
8 OTHER NEEDS.—

9 “(A) GRANT TO STATE.—Subject to sub-  
10 section (g), a Governor may request a grant  
11 from the President to provide financial assist-  
12 ance to individuals and households in the State  
13 under subsection (e).

14 “(B) ADMINISTRATIVE COSTS.—A State  
15 that receives a grant under subparagraph (A)  
16 may expend not more than 5 percent of the  
17 amount of the grant for the administrative  
18 costs of providing financial assistance to indi-  
19 viduals and households in the State under sub-  
20 section (e).

21 “(2) ACCESS TO RECORDS.—In providing as-  
22 sistance to individuals and households under this  
23 section, the President shall provide for the substan-  
24 tial and ongoing involvement of the States in which  
25 the individuals and households are located, including

1 by providing to the States access to the electronic  
 2 records of individuals and households receiving as-  
 3 sistance under this section in order for the States to  
 4 make available any additional State and local assist-  
 5 ance to the individuals and households.

6 “(g) COST SHARING.—

7 “(1) FEDERAL SHARE.—Except as provided in  
 8 paragraph (2), the Federal share of the costs eligible  
 9 to be paid using assistance provided under this sec-  
 10 tion shall be 100 percent.

11 “(2) FINANCIAL ASSISTANCE TO ADDRESS  
 12 OTHER NEEDS.—In the case of financial assistance  
 13 provided under subsection (e)—

14 “(A) the Federal share shall be 75 percent;  
 15 and

16 “(B) the non-Federal share shall be paid  
 17 from funds made available by the State.

18 “(h) MAXIMUM AMOUNT OF ASSISTANCE.—

19 “(1) IN GENERAL.—No individual or household  
 20 shall receive financial assistance greater than  
 21 \$25,000 under this section with respect to a single  
 22 major disaster.

23 “(2) ADJUSTMENT OF LIMIT.—The limit estab-  
 24 lished under paragraph (1) shall be adjusted annu-  
 25 ally to reflect changes in the Consumer Price Index

1       for All Urban Consumers published by the Depart-  
2       ment of Labor.

3       “(i) RULES AND REGULATIONS.—The President shall  
4       prescribe rules and regulations to carry out this section,  
5       including criteria, standards, and procedures for deter-  
6       mining eligibility for assistance.”.

7       (b) CONFORMING AMENDMENT.—Section 502(a)(6)  
8       of the Robert T. Stafford Disaster Relief and Emergency  
9       Assistance Act (42 U.S.C. 5192(a)(6)) is amended by  
10      striking “temporary housing”.

11      (c) ELIMINATION OF INDIVIDUAL AND FAMILY  
12      GRANT PROGRAMS.—Section 411 of the Robert T. Staf-  
13      ford Disaster Relief and Emergency Assistance Act (42  
14      U.S.C. 5178) is repealed.

15      (d) EFFECTIVE DATE.—The amendments made by  
16      this section take effect 18 months after the date of enact-  
17      ment of this Act.

18      **SEC. 207. COMMUNITY DISASTER LOANS.**

19      Section 417 of the Robert T. Stafford Disaster Relief  
20      and Emergency Assistance Act (42 U.S.C. 5184) is  
21      amended—

22              (1) by striking “(a) The President” and insert-  
23      ing the following:

24      “(a) IN GENERAL.—The President”;

1           (2) by striking “The amount” and inserting the  
2 following:

3           “(b) AMOUNT.—The amount”;

4           (3) by striking “Repayment” and inserting the  
5 following:

6           “(c) REPAYMENT.—

7           “(1) CANCELLATION.—Repayment”;

8           (4) by striking “(b) Any loans” and inserting  
9 the following:

10          “(d) EFFECT ON OTHER ASSISTANCE.—Any loans”;

11          (5) in subsection (b) (as designated by para-  
12 graph (2))—

13           (A) by striking “and shall” and inserting  
14 “shall”; and

15           (B) by inserting before the period at the  
16 end the following: “, and shall not exceed  
17 \$5,000,000”; and

18          (6) in subsection (c) (as designated by para-  
19 graph (3)), by adding at the end the following:

20          “(2) CONDITION ON CONTINUING ELIGI-  
21 BILITY.—A local government shall not be eligible for  
22 further assistance under this section during any pe-  
23 riod in which the local government is in arrears with  
24 respect to a required repayment of a loan under this  
25 section.”.

1 **SEC. 208. REPORT ON STATE MANAGEMENT OF SMALL DIS-**  
 2 **ASTERS INITIATIVE.**

3 Not later than 3 years after the date of enactment  
 4 of this Act, the President shall submit to Congress a re-  
 5 port describing the results of the State Management of  
 6 Small Disasters Initiative, including—

7 (1) identification of any administrative or finan-  
 8 cial benefits of the initiative; and

9 (2) recommendations concerning the conditions,  
 10 if any, under which States should be allowed the op-  
 11 tion to administer parts of the assistance program  
 12 under section 406 of the Robert T. Stafford Disaster  
 13 Relief and Emergency Assistance Act (42 U.S.C.  
 14 5172).

15 **SEC. 209. STUDY REGARDING COST REDUCTION.**

16 Not later than 3 years after the date of enactment  
 17 of this Act, the Director of the Congressional Budget Of-  
 18 fice shall complete a study estimating the reduction in  
 19 Federal disaster assistance that has resulted and is likely  
 20 to result from the enactment of this Act.

21 **TITLE III—MISCELLANEOUS**

22 **SEC. 301. TECHNICAL CORRECTION OF SHORT TITLE.**

23 The first section of the Robert T. Stafford Disaster  
 24 Relief and Emergency Assistance Act (42 U.S.C. 5121  
 25 note) is amended to read as follows:

1 **“SECTION 1. SHORT TITLE.**

2 “This Act may be cited as the ‘Robert T. Stafford  
3 Disaster Relief and Emergency Assistance Act’.”.

4 **SEC. 302. DEFINITIONS.**

5 Section 102 of the Robert T. Stafford Disaster Relief  
6 and Emergency Assistance Act (42 U.S.C. 5122) is  
7 amended—

8 (1) in each of paragraphs (3) and (4), by strik-  
9 ing “the Northern” and all that follows through  
10 “Pacific Islands” and inserting “and the Common-  
11 wealth of the Northern Mariana Islands”;

12 (2) by striking paragraph (6) and inserting the  
13 following:

14 “(6) LOCAL GOVERNMENT.—The term ‘local  
15 government’ means—

16 “(A) a county, municipality, city, town,  
17 township, local public authority, school district,  
18 special district, intrastate district, council of  
19 governments (regardless of whether the council  
20 of governments is incorporated as a nonprofit  
21 corporation under State law), regional or inter-  
22 state government entity, or agency or instru-  
23 mentality of a local government;

24 “(B) an Indian tribe or authorized tribal  
25 organization, or Alaska Native village or organi-  
26 zation; and

1           “(C) a rural community, unincorporated  
 2           town or village, or other public entity, for which  
 3           an application for assistance is made by a State  
 4           or political subdivision of a State.”; and  
 5           (3) in paragraph (9), by inserting “irrigation,”  
 6           after “utility,”.

7   **SEC. 303. FIRE MANAGEMENT ASSISTANCE.**

8           (a) IN GENERAL.—Section 420 of the Robert T.  
 9   Stafford Disaster Relief and Emergency Assistance Act  
 10   (42 U.S.C. 5187) is amended to read as follows:

11   **“SEC. 420. FIRE MANAGEMENT ASSISTANCE.**

12           “(a) IN GENERAL.—The President is authorized to  
 13   provide assistance, including grants, equipment, supplies,  
 14   and personnel, to any State or local government for the  
 15   mitigation, management, and control of any fire on public  
 16   or private forest land or grassland that threatens such de-  
 17   struction as would constitute a major disaster.

18           “(b) COORDINATION WITH STATE AND TRIBAL DE-  
 19   PARTMENTS OF FORESTRY.—In providing assistance  
 20   under this section, the President shall coordinate with  
 21   State and tribal departments of forestry.

22           “(c) ESSENTIAL ASSISTANCE.—In providing assist-  
 23   ance under this section, the President may use the author-  
 24   ity provided under section 403.

1       “(d) RULES AND REGULATIONS.—The President  
2 shall prescribe such rules and regulations as are necessary  
3 to carry out this section.”.

4       (b) EFFECTIVE DATE.—The amendment made by  
5 subsection (a) takes effect 1 year after the date of enact-  
6 ment of this Act.

7       **SEC. 304. PRESIDENT’S COUNCIL ON DOMESTIC TER-**  
8                                   **RORISM PREPAREDNESS.**

9       Title VI of the Robert T. Stafford Disaster Relief and  
10 Emergency Assistance Act (42 U.S.C. 5195 et seq.) is  
11 amended by adding at the end the following:

12       **“Subtitle C—President’s Council on**  
13       **Domestic Terrorism Preparedness**

14       **“SEC. 651. ESTABLISHMENT OF COUNCIL.**

15       “(a) IN GENERAL.—There is established a council to  
16 be known as the President’s Council on Domestic Ter-  
17 rorism Preparedness (in this subtitle referred to as the  
18 ‘Council’).

19       “(b) MEMBERSHIP.—The Council shall be composed  
20 of the following members:

21               “(1) The President.

22               “(2) The Director of the Federal Emergency  
23 Management Agency.

24               “(3) The Attorney General.

25               “(4) The Secretary of Defense.



1           “(5) The Director of the Office of Management  
2           and Budget.

3           “(6) The Assistant to the President for Na-  
4           tional Security Affairs.

5           “(7) Any additional members appointed by the  
6           President.

7           “(c) CHAIRMAN.—

8           “(1) IN GENERAL.—The President shall serve  
9           as the chairman of the Council.

10          “(2) EXECUTIVE CHAIRMAN.—The President  
11          may appoint an Executive Chairman of the Council  
12          (in this subtitle referred to as the ‘Executive Chair-  
13          man’). The Executive Chairman shall represent the  
14          President as chairman of the Council, including in  
15          communications with Congress and State Governors.

16          “(3) SENATE CONFIRMATION.—An individual  
17          selected to be the Executive Chairman under para-  
18          graph (2) shall be appointed by and with the advice  
19          and consent of the Senate, except that Senate con-  
20          firmation shall not be required if, on the date of ap-  
21          pointment, the individual holds a position for which  
22          Senate confirmation was required.

23          “(d) FIRST MEETING.—The first meeting of the  
24          Council shall be held not later than 90 days after the date  
25          of the enactment of this Act.

1 **“SEC. 652. DUTIES OF COUNCIL.**

2 “The Council shall carry out the following duties:

3 “(1) Establish the policies, objectives, and pri-  
4 orities of the Federal Government for enhancing the  
5 capabilities of State and local emergency prepared-  
6 ness and response personnel in early detection and  
7 warning of and response to all domestic terrorist at-  
8 tacks, including attacks involving weapons of mass  
9 destruction.

10 “(2) Publish a Domestic Terrorism Prepared-  
11 ness Plan and an annual strategy for carrying out  
12 the plan in accordance with section 653, including  
13 the end state of preparedness for emergency re-  
14 sponders established under section 653(b)(1)(D).

15 “(3) To the extent practicable, rely on existing  
16 resources (including planning documents, equipment  
17 lists, and program inventories) in the execution of  
18 its duties.

19 “(4) Consult with and utilize existing inter-  
20 agency boards and committees, existing govern-  
21 mental entities, and non-governmental organizations  
22 in the execution of its duties.

23 “(5) Ensure that a biennial review of the ter-  
24 rorist attack preparedness programs of State and  
25 local governmental entities is conducted and provide

1 recommendations to the entities based on the re-  
2 views.

3 “(6) Provide for the creation of a State and  
4 local advisory group for the Council, to be composed  
5 of individuals involved in State and local emergency  
6 preparedness and response to terrorist attacks.

7 “(7) Provide for the establishment by the Coun-  
8 cil’s State and local advisory group of voluntary  
9 guidelines for the terrorist attack preparedness pro-  
10 grams of State and local governmental entities in ac-  
11 cordance with section 655.

12 “(8) Designate a Federal entity to consult with,  
13 and serve as a contact for, State and local govern-  
14 mental entities implementing terrorist attack pre-  
15 paredness programs.

16 “(9) Coordinate and oversee the implementation  
17 by Federal departments and agencies of the policies,  
18 objectives, and priorities established under para-  
19 graph (1) and the fulfillment of the responsibilities  
20 of such departments and agencies under the Domes-  
21 tic Terrorism Preparedness Plan.

22 “(10) Make recommendations to the heads of  
23 appropriate Federal departments and agencies  
24 regarding—

1           “(A) changes in the organization, manage-  
2           ment, and resource allocations of the depart-  
3           ments and agencies; and

4           “(B) the allocation of personnel to and  
5           within the departments and agencies,  
6           to implement the Domestic Terrorism Preparedness  
7           Plan.

8           “(11) Assess all Federal terrorism preparedness  
9           programs and ensure that each program complies  
10          with the Domestic Terrorism Preparedness Plan.

11          “(12) Identify duplication, fragmentation, and  
12          overlap within Federal terrorism preparedness pro-  
13          grams and eliminate such duplication, fragmentation  
14          and overlap.

15          “(13) Evaluate Federal emergency response as-  
16          sets and make recommendations regarding the orga-  
17          nization, need, and geographic location of such as-  
18          sets.

19          “(14) Establish general policies regarding fi-  
20          nancial assistance to States based on potential risk  
21          and threat, response capabilities, and ability to  
22          achieve the end state of preparedness for emergency  
23          responders established under section 653(b)(1)(D).

24          “(15) Notify a Federal department or agency in  
25          writing if the Council finds that its policies are not

1 in compliance with its responsibilities under the Do-  
2 mestic Terrorism Preparedness Plan.

3 **“SEC. 653. DOMESTIC TERRORISM PREPAREDNESS PLAN**  
4 **AND ANNUAL STRATEGY.**

5 “(a) DEVELOPMENT OF PLAN.—Not later than 180  
6 days after the date of the first meeting of the Council,  
7 the Council shall develop a Domestic Terrorism Prepared-  
8 ness Plan and transmit a copy of the plan to Congress.

9 “(b) CONTENTS.—

10 “(1) IN GENERAL.—The Domestic Terrorism  
11 Preparedness Plan shall include the following:

12 “(A) A statement of the policies, objec-  
13 tives, and priorities established by the Council  
14 under section 652(1).

15 “(B) A plan for implementing such poli-  
16 cies, objectives, and priorities that is based on  
17 a threat, risk, and capability assessment and in-  
18 cludes measurable objectives to be achieved in  
19 each of the following 5 years for enhancing do-  
20 mestic preparedness against a terrorist attack.

21 “(C) A description of the specific role of  
22 each Federal department and agency, and the  
23 roles of State and local governmental entities,  
24 under the plan developed under subparagraph  
25 (B).

1           “(D) A definition of an end state of pre-  
2           paredness for emergency responders that sets  
3           forth measurable, minimum standards of ac-  
4           ceptability for preparedness.

5           “(2) EVALUATION OF FEDERAL RESPONSE  
6           TEAMS.—In preparing the description under para-  
7           graph (1)(C), the Council shall evaluate each Fed-  
8           eral response team and the assistance that the team  
9           offers to State and local emergency personnel when  
10          responding to a terrorist attack. The evaluation shall  
11          include an assessment of how the Federal response  
12          team will assist State and local emergency personnel  
13          after the personnel has achieved the end state of  
14          preparedness for emergency responders established  
15          under paragraph (1)(D).

16          “(c) ANNUAL STRATEGY.—

17               “(1) IN GENERAL.—The Council shall develop  
18               and transmit to Congress, on the date of transmittal  
19               of the Domestic Terrorism Preparedness Plan and,  
20               in each of the succeeding 4 fiscal years, on the date  
21               that the President submits an annual budget to Con-  
22               gress in accordance with section 1105(a) of title 31,  
23               United States Code, an annual strategy for carrying  
24               out the Domestic Terrorism Preparedness Plan in

1 the fiscal year following the fiscal year in which the  
2 strategy is submitted.

3 “(2) CONTENTS.—The annual strategy for a  
4 fiscal year shall include the following:

5 “(A) An inventory of Federal training and  
6 exercise programs, response teams, grant pro-  
7 grams, and other programs and activities re-  
8 lated to domestic preparedness against a ter-  
9 rorist attack conducted in the preceding fiscal  
10 year and a determination as to whether any of  
11 such programs or activities may be duplicative.  
12 The inventory shall consist of a complete de-  
13 scription of each such program and activity, in-  
14 cluding the funding level and purpose of and  
15 goal to be achieved by the program or activity.

16 “(B) If the Council determines under sub-  
17 paragraph (A) that certain programs and activi-  
18 ties are duplicative, a detailed plan for consoli-  
19 dating, eliminating, or modifying the programs  
20 and activities.

21 “(C) An inventory of Federal training and  
22 exercise programs, grant programs, response  
23 teams, and other programs and activities to be  
24 conducted in such fiscal year under the Domes-  
25 tic Terrorism Preparedness Plan and measur-

1           able objectives to be achieved in such fiscal year  
2           for enhancing domestic preparedness against a  
3           terrorist attack. The inventory shall provide for  
4           implementation of any plan developed under  
5           subparagraph (B), relating to duplicative pro-  
6           grams and activities.

7           “(D) A complete assessment of how re-  
8           source allocation recommendations developed  
9           under section 654(a) are intended to implement  
10          the annual strategy.

11       “(d) CONSULTATION.—

12           “(1) IN GENERAL.—In developing the Domestic  
13       Terrorism Preparedness Plan and each annual strat-  
14       egy for carrying out the plan, the Council shall con-  
15       sult with—

16           “(A) the head of each Federal department  
17           and agency that will have responsibilities under  
18           the Domestic Terrorism Preparedness Plan or  
19           annual strategy;

20           “(B) Congress;

21           “(C) State and local officials;

22           “(D) congressionally authorized panels;

23       and



1           “(E) emergency preparedness organiza-  
2           tions with memberships that include State and  
3           local emergency responders.

4           “(2) REPORTS.—As part of the Domestic Ter-  
5           rorism Preparedness Plan and each annual strategy  
6           for carrying out the plan, the Council shall include  
7           a written statement indicating the persons consulted  
8           under this subsection and the recommendations  
9           made by such persons.

10          “(e) TRANSMISSION OF CLASSIFIED INFORMA-  
11          TION.—Any part of the Domestic Terrorism Preparedness  
12          Plan or an annual strategy for carrying out the plan that  
13          involves information properly classified under criteria es-  
14          tablished by an Executive order shall be presented to Con-  
15          gress separately.

16          “(f) RISK OF TERRORIST ATTACKS AGAINST TRANS-  
17          PORTATION FACILITIES.—

18                 “(1) IN GENERAL.—In developing the plan and  
19                 risk assessment under subsection (b), the Council  
20                 shall designate an entity to assess the risk of ter-  
21                 rorist attacks against transportation facilities, per-  
22                 sonnel, and passengers.

23                 “(2) CONTENTS.—In developing the plan and  
24                 risk assessment under subsection (b), the Council

1 shall ensure that the following three tasks are ac-  
2 complished:

3 “(A) An examination of the extent to  
4 which transportation facilities, personnel, and  
5 passengers have been the target of terrorist at-  
6 tacks and the extent to which such facilities,  
7 personnel, and passengers are vulnerable to  
8 such attacks.

9 “(B) An evaluation of Federal laws that  
10 can be used to combat terrorist attacks against  
11 transportation facilities, personnel, and pas-  
12 sengers, and the extent to which such laws are  
13 enforced. The evaluation may also include a re-  
14 view of applicable State laws.

15 “(C) An evaluation of available tech-  
16 nologies and practices to determine the best  
17 means of protecting transportation facilities,  
18 personnel, and passengers against terrorist at-  
19 tacks.

20 “(3) CONSULTATION.—In developing the plan  
21 and risk assessment under subsection (b), the Coun-  
22 cil shall consult with the Secretary of Transpor-  
23 tation, representatives of persons providing transpor-  
24 tation, and representatives of employees of such per-  
25 sons.

1       “(g) MONITORING.—The Council, with the assistance  
2 of the Inspector General of the relevant Federal depart-  
3 ment or agency as needed, shall monitor the implementa-  
4 tion of the Domestic Terrorism Preparedness Plan, includ-  
5 ing conducting program and performance audits and eval-  
6 uations.

7       **“SEC. 654. NATIONAL DOMESTIC PREPAREDNESS BUDGET.**

8       “(a) RECOMMENDATIONS REGARDING RESOURCE  
9 ALLOCATIONS.—

10       “(1) TRANSMITTAL TO COUNCIL.—Each Fed-  
11 eral Government program manager, agency head,  
12 and department head with responsibilities under the  
13 Domestic Terrorism Preparedness Plan shall trans-  
14 mit to the Council for each fiscal year recommended  
15 resource allocations for programs and activities re-  
16 lating to such responsibilities on or before the earlier  
17 of—

18       “(A) the 45th day before the date of the  
19 budget submission of the department or agency  
20 to the Director of the Office of Management  
21 and Budget for the fiscal year; or

22       “(B) August 15 of the fiscal year pre-  
23 ceding the fiscal year for which the rec-  
24 ommendations are being made.

1           “(2) TRANSMITTAL TO THE OFFICE OF MAN-  
2           AGEMENT AND BUDGET.—The Council shall develop  
3           for each fiscal year recommendations regarding re-  
4           source allocations for each program and activity  
5           identified in the annual strategy completed under  
6           section 653 for the fiscal year. Such recommenda-  
7           tions shall be submitted to the relevant departments  
8           and agencies and to the Director of the Office of  
9           Management and Budget. The Director of the Office  
10          of Management and Budget shall consider such rec-  
11          ommendations in formulating the annual budget of  
12          the President submitted to Congress under section  
13          1105(a) of title 31, United States Code, and shall  
14          provide to the Council a written explanation in any  
15          case in which the Director does not accept such a  
16          recommendation.

17          “(3) RECORDS.—The Council shall maintain  
18          records regarding recommendations made and writ-  
19          ten explanations received under paragraph (2) and  
20          shall provide such records to Congress upon request.  
21          The Council may not fulfill such a request before the  
22          date of submission of the relevant annual budget of  
23          the President to Congress under section 1105(a) of  
24          title 31, United States Code.

1           “(4) NEW PROGRAMS OR REALLOCATION OF  
 2       RESOURCES.—The head of a Federal department or  
 3       agency shall consult with the Council before acting  
 4       to enhance the capabilities of State and local emer-  
 5       gency preparedness and response personnel with re-  
 6       spect to terrorist attacks by—

7                       “(A) establishing a new program or office;

8                       or

9                       “(B) reallocating resources, including Fed-  
 10       eral response teams.

11   **“SEC. 655. VOLUNTARY GUIDELINES FOR STATE AND**  
 12       **LOCAL PROGRAMS.**

13       “The Council shall provide for the establishment of  
 14       voluntary guidelines for the terrorist attack preparedness  
 15       programs of State and local governmental entities for the  
 16       purpose of providing guidance in the development and im-  
 17       plementation of such programs. The guidelines shall ad-  
 18       dress equipment, exercises, and training and shall estab-  
 19       lish a desired threshold level of preparedness for State and  
 20       local emergency responders.

21   **“SEC. 656. POWERS OF COUNCIL.**

22       “In carrying out this subtitle, the Council may—

23                       “(1) direct, with the concurrence of the Sec-  
 24       retary of a department or head of an agency, the  
 25       temporary reassignment within the Federal Govern-

1       ment of personnel employed by such department or  
2       agency;

3           “(2) use for administrative purposes, on a reim-  
4       bursable basis, the available services, equipment,  
5       personnel, and facilities of Federal, State, and local  
6       agencies;

7           “(3) procure the services of experts and con-  
8       sultants in accordance with section 3109 of title 5,  
9       United States Code, relating to appointments in the  
10      Federal Service, at rates of compensation for indi-  
11      viduals not to exceed the daily equivalent of the rate  
12      of pay payable for GS-18 of the General Schedule  
13      under section 5332 of title 5, United States Code;

14          “(4) accept and use donations of property from  
15      Federal, State, and local government agencies;

16          “(5) use the mails in the same manner as any  
17      other department or agency of the executive branch;  
18      and

19          “(6) request the assistance of the Inspector  
20      General of a Federal department or agency in con-  
21      ducting audits and evaluations under section 653(g).

22      **“SEC. 657. ROLE OF COUNCIL IN NATIONAL SECURITY**  
23                      **COUNCIL EFFORTS.**

24          “The Council may, in the Council’s role as principal  
25      adviser to the National Security Council on Federal efforts

1 to assist State and local governmental entities in domestic  
2 terrorist attack preparedness matters, and subject to the  
3 direction of the President, attend and participate in meet-  
4 ings of the National Security Council. The Council may,  
5 subject to the direction of the President, participate in the  
6 National Security Council's working group structure.

7 **“SEC. 658. EXECUTIVE DIRECTOR AND STAFF OF COUNCIL.**

8 “(a) EXECUTIVE DIRECTOR.—The Council shall have  
9 an Executive Director who shall be appointed by the Presi-  
10 dent.

11 “(b) STAFF.—The Executive Director may appoint  
12 such personnel as the Executive Director considers appro-  
13 priate. Such personnel shall be assigned to the Council on  
14 a full-time basis and shall report to the Executive Direc-  
15 tor.

16 “(c) ADMINISTRATIVE SUPPORT SERVICES.—The  
17 Executive Office of the President shall provide to the  
18 Council, on a reimbursable basis, such administrative sup-  
19 port services, including office space, as the Council may  
20 request.

21 **“SEC. 659. COORDINATION WITH EXECUTIVE BRANCH DE-**  
22 **PARTMENTS AND AGENCIES.**

23 “(a) REQUESTS FOR ASSISTANCE.—The head of each  
24 Federal department and agency with responsibilities under  
25 the Domestic Terrorism Preparedness Plan shall cooper-

1 ate with the Council and, subject to laws governing dislo-  
2 sure of information, provide such assistance, information,  
3 and advice as the Council may request.

4 “(b) CERTIFICATION OF POLICY CHANGES BY COUN-  
5 CIL.—

6 “(1) IN GENERAL.—The head of each Federal  
7 department and agency with responsibilities under  
8 the Domestic Terrorism Preparedness Plan shall,  
9 unless exigent circumstances require otherwise, no-  
10 tify the Council in writing regarding any proposed  
11 change in policies relating to the activities of such  
12 department or agency under the Domestic Terrorism  
13 Preparedness Plan prior to implementation of such  
14 change. The Council shall promptly review such pro-  
15 posed change and certify to the department or agen-  
16 cy head in writing whether such change is consistent  
17 with the Domestic Terrorism Preparedness Plan.

18 “(2) NOTICE IN EXIGENT CIRCUMSTANCES.—If  
19 prior notice of a proposed change under paragraph  
20 (1) is not possible, the department or agency head  
21 shall notify the Council as soon as practicable. The  
22 Council shall review such change and certify to the  
23 department or agency head in writing whether such  
24 change is consistent with the Domestic Terrorism  
25 Preparedness Plan.



1 **“SEC. 660. AUTHORIZATION OF APPROPRIATIONS.**

2 “There is authorized to be appropriated to carry out  
3 this subtitle \$9,000,000 for fiscal year 2001 and such  
4 sums as may be necessary for each of fiscal years 2002  
5 through 2005. Such sums shall remain available until ex-  
6 pended.”.

7 **SEC. 305. DISASTER GRANT CLOSEOUT PROCEDURES.**

8 Title VII of the Robert T. Stafford Disaster Relief  
9 and Emergency Assistance Act (42 U.S.C. 5101 et seq.)  
10 is amended by adding at the end the following:

11 **“SEC. 705. DISASTER GRANT CLOSEOUT PROCEDURES.**

12 “(a) STATUTE OF LIMITATIONS.—

13 “(1) IN GENERAL.—Except as provided in para-  
14 graph (2), no administrative action to recover any  
15 payment made to a State or local government for  
16 disaster or emergency assistance under this Act shall  
17 be initiated in any forum after the date that is 3  
18 years after the date of transmission of the final ex-  
19 penditure report for the disaster or emergency.

20 “(2) FRAUD EXCEPTION.—The limitation under  
21 paragraph (1) shall apply unless there is evidence of  
22 civil or criminal fraud.

23 “(b) REBUTTAL OF PRESUMPTION OF RECORD  
24 MAINTENANCE.—

25 “(1) IN GENERAL.—In any dispute arising  
26 under this section after the date that is 3 years after

1 the date of transmission of the final expenditure re-  
2 port for the disaster or emergency, there shall be a  
3 presumption that accounting records were main-  
4 tained that adequately identify the source and appli-  
5 cation of funds provided for financially assisted ac-  
6 tivities.

7 “(2) AFFIRMATIVE EVIDENCE.—The presump-  
8 tion described in paragraph (1) may be rebutted  
9 only on production of affirmative evidence that the  
10 State or local government did not maintain docu-  
11 mentation described in that paragraph.

12 “(3) INABILITY TO PRODUCE DOCUMENTA-  
13 TION.—The inability of the Federal, State, or local  
14 government to produce source documentation sup-  
15 porting expenditure reports later than 3 years after  
16 the date of transmission of the final expenditure re-  
17 port shall not constitute evidence to rebut the pre-  
18 sumption described in paragraph (1).

19 “(4) RIGHT OF ACCESS.—The period during  
20 which the Federal, State, or local government has  
21 the right to access source documentation shall not be  
22 limited to the required 3-year retention period re-  
23 ferred to in paragraph (3), but shall last as long as  
24 the records are maintained.

1       “(c) BINDING NATURE OF GRANT REQUIRE-  
 2 MENTS.—A State or local government shall not be liable  
 3 for reimbursement or any other penalty for any payment  
 4 made under this Act if—

5               “(1) the payment was authorized by an ap-  
 6 proved agreement specifying the costs;

7               “(2) the costs were reasonable; and

8               “(3) the purpose of the grant was accom-  
 9 plished.”.

10 **SEC. 306. PUBLIC SAFETY OFFICER BENEFITS FOR CER-**  
 11 **TAIN FEDERAL AND STATE EMPLOYEES.**

12       (a) IN GENERAL.—Section 1204 of the Omnibus  
 13 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
 14 3796b) is amended by striking paragraph (7) and insert-  
 15 ing the following:

16               “(7) ‘public safety officer’ means—

17                       “(A) an individual serving a public agency  
 18 in an official capacity, with or without com-  
 19 pensation, as a law enforcement officer, as a  
 20 firefighter, or as a member of a rescue squad  
 21 or ambulance crew;

22                       “(B) an employee of the Federal Emer-  
 23 gency Management Agency who is performing  
 24 official duties of the Agency in an area, if those  
 25 official duties—

1 “(i) are related to a major disaster or  
 2 emergency that has been, or is later, de-  
 3 clared to exist with respect to the area  
 4 under the Robert T. Stafford Disaster Re-  
 5 lief and Emergency Assistance Act (42  
 6 U.S.C. 5121 et seq.); and

7 “(ii) are determined by the Director  
 8 of the Federal Emergency Management  
 9 Agency to be hazardous duties; or

10 “(C) an employee of a State, local, or trib-  
 11 al emergency management or civil defense agen-  
 12 cy who is performing official duties in coopera-  
 13 tion with the Federal Emergency Management  
 14 Agency in an area, if those official duties—

15 “(i) are related to a major disaster or  
 16 emergency that has been, or is later, de-  
 17 clared to exist with respect to the area  
 18 under the Robert T. Stafford Disaster Re-  
 19 lief and Emergency Assistance Act (42  
 20 U.S.C. 5121 et seq.); and

21 “(ii) are determined by the head of  
 22 the agency to be hazardous duties.”.

23 (b) EFFECTIVE DATE.—The amendment made by  
 24 subsection (a) applies only to employees described in sub-  
 25 paragraphs (B) and (C) of section 1204(7) of the Omni-

1 bus Crime Control and Safe Streets Act of 1968 (as  
2 amended by subsection (a)) who are injured or who die  
3 in the line of duty on or after the date of enactment of  
4 this Act.

5 **SEC. 307. BUY AMERICAN.**

6 (a) COMPLIANCE WITH BUY AMERICAN ACT.—No  
7 funds authorized to be appropriated under this Act or any  
8 amendment made by this Act may be expended by an enti-  
9 ty unless the entity, in expending the funds, complies with  
10 the Buy American Act (41 U.S.C. 10a et seq.).

11 (b) DEBARMENT OF PERSONS CONVICTED OF  
12 FRAUDULENT USE OF “MADE IN AMERICA” LABELS.—

13 (1) IN GENERAL.—If the Director of the Fed-  
14 eral Emergency Management Agency determines  
15 that a person has been convicted of intentionally  
16 affixing a label bearing a “Made in America” in-  
17 scription to any product sold in or shipped to the  
18 United States that is not made in America, the Di-  
19 rector shall determine, not later than 90 days after  
20 determining that the person has been so convicted,  
21 whether the person should be debarred from con-  
22 tracting under the Robert T. Stafford Disaster Re-  
23 lief and Emergency Assistance Act (42 U.S.C. 5121  
24 et seq.).

1           (2) DEFINITION OF DEBAR.—In this sub-  
 2           section, the term “debar” has the meaning given the  
 3           term in section 2393(c) of title 10, United States  
 4           Code.

5 **SEC. 308. TREATMENT OF CERTAIN REAL PROPERTY.**

6           (a) IN GENERAL.—Notwithstanding the National  
 7 Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.),  
 8 the Flood Disaster Protection Act of 1973 (42 U.S.C.  
 9 4002 et seq.), or any other provision of law, or any flood  
 10 risk zone identified, delineated, or established under any  
 11 such law (by flood insurance rate map or otherwise), the  
 12 real property described in subsection (b) shall not be con-  
 13 sidered to be, or to have been, located in any area having  
 14 special flood hazards (including any floodway or flood-  
 15 plain).

16           (b) REAL PROPERTY.—The real property described  
 17 in this subsection is all land and improvements on the land  
 18 located in the Maple Terrace Subdivisions in the city of  
 19 Sycamore, DeKalb County, Illinois, including—

- 20           (1) Maple Terrace Phase I;
- 21           (2) Maple Terrace Phase II;
- 22           (3) Maple Terrace Phase III Unit 1;
- 23           (4) Maple Terrace Phase III Unit 2;
- 24           (5) Maple Terrace Phase III Unit 3;
- 25           (6) Maple Terrace Phase IV Unit 1;

1 (7) Maple Terrace Phase IV Unit 2; and

2 (8) Maple Terrace Phase IV Unit 3.

3 (c) REVISION OF FLOOD INSURANCE RATE LOT  
4 MAPS.—As soon as practicable after the date of enact-  
5 ment of this Act, the Director of the Federal Emergency  
6 Management Agency shall revise the appropriate flood in-  
7 surance rate lot maps of the agency to reflect the treat-  
8 ment under subsection (a) of the real property described  
9 in subsection (b).

10 **SEC. 309. STUDY OF PARTICIPATION BY INDIAN TRIBES IN**  
11 **EMERGENCY MANAGEMENT.**

12 (a) DEFINITION OF INDIAN TRIBE.—In this section,  
13 the term “Indian tribe” has the meaning given the term  
14 in section 4 of the Indian Self-Determination and Edu-  
15 cation Assistance Act (25 U.S.C. 450b).

16 (b) STUDY.—

17 (1) IN GENERAL.—The Director of the Federal  
18 Emergency Management Agency shall conduct a  
19 study of participation by Indian tribes in emergency  
20 management.

21 (2) REQUIRED ELEMENTS.—The study shall—

22 (A) survey participation by Indian tribes in  
23 training, predisaster and postdisaster mitiga-  
24 tion, disaster preparedness, and disaster recov-

1           ery programs at the Federal and State levels;  
2           and

3                 (B) review and assess the capacity of In-  
4           dian tribes to participate in cost-shared emer-  
5           gency management programs and to participate  
6           in the management of the programs.

7           (3) CONSULTATION.—In conducting the study,  
8           the Director shall consult with Indian tribes.

9           (c) REPORT.—Not later than 1 year after the date  
10          of enactment of this Act, the Director shall submit a re-  
11          port on the study under subsection (b) to—

12                 (1) the Committee on Environment and Public  
13          Works of the Senate;

14                 (2) the Committee on Transportation and In-  
15          frastructure of the House of Representatives;

16                 (3) the Committee on Appropriations of the  
17          Senate; and

18                 (4) the Committee on Appropriations of the  
19          House of Representatives.

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